

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
)	
Plaintiffs,)	
)	No. 1:14-cv-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	
)	

**JOINT MOTION TO EXTEND DEADLINE TO PROPOSE SCHEDULE FOR
RESOLUTION OF THE MERITS**

The parties jointly move to extend the deadline to file a proposed schedule for the resolution of the merits of this action until 14 days after Defendants’ motion to stay the preliminary injunction pending appeal [ECF No. 150] has been finally resolved, including through any appellate channels in which relief may be sought. The basis for this motion is as follows:

1. In this action, Plaintiffs challenge a November 20, 2014 memorandum issued by the Secretary of Homeland Security (“Secretary”) concerning Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) and modifications to Deferred Action for Childhood Arrivals (“modified DACA”). On February 16, 2015, the Court issued an order granting Plaintiffs’ Motion for Preliminary Injunction and preliminarily enjoining Defendants from “implementing any and all aspects or phases” of DAPA and modified DACA, as set forth in the challenged November 20, 2014 memorandum. Order of Temporary Inj. (“Order”) at 1-2 [ECF No. 144].

2. In that same Order, the Court directed the parties to “meet and confer and formulate and file with the Court by February 27, 2015 an agreed upon (to the extent possible) schedule for the resolution of the merits” of the case. The Court also advised that it would “hold a conference call among counsel after it reviews this submission.”

3. On February 23, 2015, Defendants appealed the Court’s Order and Opinion to the Fifth Circuit. [ECF No. 149]. Defendants also simultaneously moved to stay the preliminary injunction pending resolution of that appeal. [ECF No. 150]. On February 24, 2015, the Court directed Plaintiffs to file a response to that motion by Tuesday, March 3, 2015. [ECF No. 156].

4. The parties respectfully submit that their deadline to file a proposed schedule for further proceedings on the merits of this case should be deferred. Deferral of that deadline until 14 days after Defendants’ stay request has been finally resolved, including through any appellate channels in which relief may be sought will allow the parties’ discussion and presentation to the Court concerning further proceedings on the merits of Plaintiffs’ claims to be informed by the resolution of the stay proceedings.

Dated: February 27, 2015

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Respectfully submitted,

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CERTIFICATE OF CONFERRAL

Undersigned counsel hereby certifies that counsel for Plaintiffs, Angela Colmenero, concurred in the filing of this Joint Motion to Extend Deadline to Propose Schedule for Resolution of the Merits.

/s/ Kyle R. Freeny
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Motion to Extend Deadline to Propose Schedule for Resolution of the Merits has been delivered electronically on February 27, 2015, to counsel of record via the District's ECF system.

/s/ Kyle R. Freeny
Counsel for Defendants